

Sec. 9. Section 85B.11, Code 1997, is amended to read as follows:

85B.11 PREVIOUS HEARING LOSS EXCLUDED.

An employer is liable, as provided in this chapter and subject to the provisions of chapter 85, for an occupational hearing loss to which the employment has contributed, but if previous hearing loss, whether occupational or not, is established by an audiometric examination or other competent evidence, whether or not the employee was exposed to excessive noise level exposure within six months preceding the test, the employer is not liable for the previous loss, nor is the employer liable for a loss for which compensation has previously been paid or awarded. The employer is liable only for the difference between the percent of occupational hearing loss determined as of the date of the audiometric examination used to determine occupational hearing loss and the percentage of loss established by the pre-employment audiometric examination. An amount paid to an employee for occupational hearing loss by any other employer shall be credited against compensation payable by an employer for the hearing loss. An employee shall not receive in the aggregate greater compensation from all employers for occupational hearing loss than that provided in this section for total occupational hearing loss. A payment shall not be made to an employee unless the employee has worked in excessive noise level exposure employment for a total period of at least ninety days for the employer from whom compensation is claimed.

Sec. 10. Section 85B.12, Code 1997, is amended to read as follows:

85B.12 HEARING AID PROVIDED.

A reduction of the compensation payable to an employee for occupational hearing loss shall not be made because the employee's ability to communicate may be improved by the use of a hearing aid. An employer who is liable for occupational hearing loss of an employee is required to provide the employee with a hearing aid for each affected ear unless it will not materially improve the employee's ability to communicate.

Approved May 5, 1998

CHAPTER 1161

SALES AND USE TAXES AND EXEMPTIONS ASSOCIATED WITH PROVIDING WATER

S.F. 2365

AN ACT relating to the imposition of the sales and use tax on infrastructure and electricity associated with providing water.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 357A.15, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A rural water district organized under chapter 504A shall receive a refund of sales or use taxes upon submitting an application to the department of revenue and finance for such refund of taxes imposed upon the gross receipts of all sales of building materials, supplies, or equipment sold to a contractor or used in the fulfillment of a written contract for the construction of facilities for such rural water district to the same extent as a rural water district organized under this chapter may obtain a refund under section 422.45, subsection 7.

Sec. 2. Section 422.45, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 33A. The gross receipts from the sale of electricity to water companies assessed for property tax pursuant to sections 428.24, 428.26, and 428.28 which is used solely for the purpose of pumping water from a river or well.

Approved May 5, 1998

CHAPTER 1162

FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS

H.F. 2166

AN ACT relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 10A.104, subsection 9, Code 1997, is amended to read as follows:

9. Administer and enforce this chapter, and chapters 99B, 135B, 135C, 135G, 135H, 135J, ~~137A, 137B,~~ 137C, 137D, and ~~137E~~ 137F.

Sec. 2. Section 100.35, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The fire marshal shall adopt, and may amend rules under chapter 17A, which include standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for churches, schools, hotels, theaters, amphitheatres, hospitals, health care facilities as defined in section 135C.1, boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement, apartment buildings, food establishments as defined in section ~~137A.1,~~ ~~subsection 5, food service establishments as defined in section 137B.2, subsection 6~~ 137F.1, and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. Violation of a rule adopted by the fire marshal is a simple misdemeanor. However, upon proof that the fire marshal gave written notice to the defendant of the violation, and proof that the violation constituted a clear and present danger to life, and proof that the defendant failed to eliminate the condition giving rise to the violation within thirty days after receipt of notice from the fire marshal, the penalty is that provided by law for a serious misdemeanor. Each day of the continuing violation of a rule after conviction of a violation of the rule is a separate offense. A conviction is subject to appeal as in other criminal cases.

Sec. 3. Section 137C.6, unnumbered paragraph 2, Code 1997, is amended to read as follows:

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the director. The director may enter into the agreement if the director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food ~~service sanitation~~ code pursuant to section ~~137B.6 and the food and beverage vending machine laws pursuant to section 137E.3~~ 137F.3.